

G. R. S. Add. F. IX-41

1942.

File No. 7-42

Serial Nos. 9

Previous references.

Pres. 27-28 (6-11) (Pres)

Later References.

P

RESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for August 42 of 30

SUBJECT.

Recommendation No. 15-8 of the
Dunson Reforms Committee
re conversion into remission
of gratuity earned for extra work

*Recommendation No. 158 of the Prison
Reforms Committee — Conversion of gratuity into
remission*

General and Revenue
Secretariat

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of 1942

[App. F. III-2]

Serial
No.

Recommendation No. 158 of the Prison Reforms Committee.

Conversion into remission of gratuity earned for extra
work.

1) Under the rules in Appendix III-5A of the Mysore Jail Manual, prisoners employed on remunerative and tasked labour are entitled to receive a gratuity of one anna for half-day's hard labour task in a week and two anna for a day's such labour in a week. Similarly prisoners employed on non-remunerative or untasked labour are also allowed gratuity at the same rate. Such gratuity may be converted by them into remission at the rate of four annas for each day.

Flag W.

2) The Prison Reforms Committee recommend in para 5 of chapter VII of their Report, that the rate of conversion may be reduced to two annas per day, thereby allowing of a longer period of remission being earned by reason of specially industrious work.

3) In Madras the rate prescribed for such conversion is two annas per day.

4) The Inspector General of Prisons is in favour of the recommendation of the Committee being given effect to.^x

Flag X.

5) As a reduction in the rate may act as an incentive to industry on the part of the prisoners and as it brings our prison system ^{on a par} with the system in the neighbouring province of Madras, the recommendation of the Committee may perhaps be approved.

6) In this connection it is submitted that although our rules regulating the payment of remuneration for extra work done by

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prisoners and the conversion of such remuneration to remission of sentences are practically ^{identical} ~~identical~~ with the rules on the subject in Madras, they have been given in an appendix, whereas their proper place seems to be in chapter XXIV, "Convict Labour and Jail Industries," as is evident from the Madras Jail Manual where they form part of the corresponding chapter. These rules may therefore be transferred to Chapter XXIV and inserted as Rule 361 A. If this is done Rule 361 will have to be modified. Except the first sentence the remainder ^{of that rule} will have to be deleted ~~in that rule~~.

7) Further though the rules in appendix III are intended to regulate the payment of remuneration for extra work done by prisoners, the rules do not specifically mention it to be so. Rule (1), which is the relevant rule, provides that "prisoners employed on remuneration and tasked labour and up to the standard will be entitled to earn gratuity" at the prescribed rates. The corresponding rule in Madras reads "Prisoners employed on remunerative labour and who work in excess of the prescribed scale of tasks and up to the standard shall be entitled to earn gratuity" etc. The language of the Madras rule which is clearer than ours may perhaps be adopted and rule redrafted.

2. Conversion into remission of ordinary gratuity:-

8) Under rule 314 of the Jail Manual prisoners who come under the remission system are classified into three classes. Those who have earned 25 days' remission belong to the second class and those earning a remission of 40 days to the first class. Second class prisoners get a gratuity of one anna per mensem and ^{first} ~~third~~ class.

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prisoners one and a half annas per mensem. This gratuity cannot, under the existing rules, be converted into remission of sentence, in the same way as gratuity earned for extra work. The Prison Reforms Committee recommend that in the case of prisoners sentenced to terms of two years and below the same rate of remission as is recommended by them, ^{for} ~~the~~ gratuity of the latter category, viz., two annas a day, may be allowed in lieu of any ordinary gratuity.

9) The Inspector General of Prisons is in favour of the recommendation.*

10) The Committee's recommendation is based on the practice in British India. Thus rule 335 A of the Madras Manual provides that convicts sentenced to terms of imprisonment of two years and below and entitled to be benefit of gratuity shall, in lieu of the amount of gratuity earned by them, be granted remission in days calculated at the rate of two annas per day and that the remission so granted shall be in addition to the remission by them under the remission rules. The note to the rule provides that convicts undergoing terms of punishment above two years shall be given the option of converting the gratuity earned by them, into extra remission under the rule, if they elect to do so subject to rule 327, which prescribes that the total remission awarded to a prisoner under all the rules of the Jail Manual shall not exceed one-fourth part of his sentence and that the option once exercised shall be final. It is further provided that amounts less than one anna shall be ignored

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and anna one and above taken as two annas while converting the gratuity. If a convict dies before his release, the gratuity earned by him lapses to the crown.

11) The Committee's recommendation is for orders.

MAR
22/6

Law Secy)



12) Convicts have the option of converting the gratuity earned by them for extra work or remunerative labour into remissions of sentence calculated at four annas per day (Hag W).

13) The Committee recommends that the rate may be fixed at two annas per day, thereby allowing a longer period of remission being earned by persons of specially industrious work, and that the same rate may be allowed in the case of convicts sentenced to terms of two years

Prison Reforms - conversion of 125
statutory into remission.

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two years & below (para 584V)

14) The G. P. agrees

15) May be accepted
(A & B may be considered while passing the rules)

Minister for Law
The Dewan

16) Am
10/7

17) Am

14/7/42

18) Draft G.O. submitted for consideration

Law Secy

4) May be approved

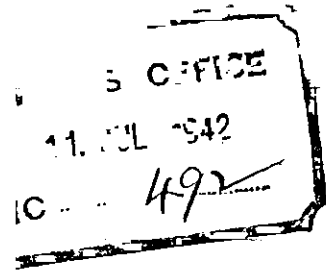
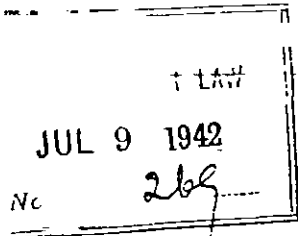
Minister for Law

20) Please see new Rule 316 A (3). What
is the authority for it?

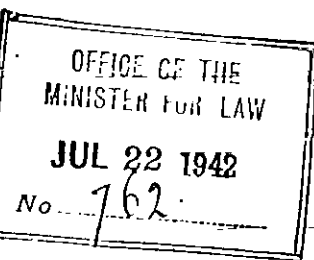
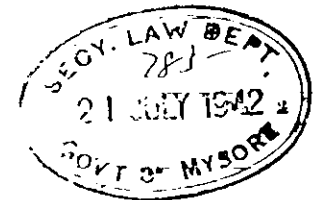
Respectfully submitted.

21) It is based on Madras Rule
385 A, Note 3 (Page 95 of Madras Manual Vol II) and

WD 0155-SPB-55,060-23-10-41



see type draft and
put up.
JUL 19/7



6) Prison Reforms - ¹⁸³ conversion of gratuity earned by a prisoner into remission of sentence

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noted in para 10 of the notes supra. If it is considered
necessary however note (B) may be deleted

MSR
22/7

Sd/-
Chief Secy.

22) May be omitted

MSR 23/7

MSR
23/7

MSR
23-7-42

MSR
24-7-42
same
MSR 24/7

To -

1) The G. O. of Prisons

2) a Comptroller to Govt.

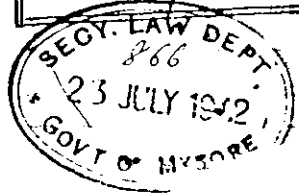
G.O. No. P. 882-83 dated 4-8-42

Accepts the recommendations
of the Prison Reforms Committee

Serial
No.

JUL 23 1942

No. 827



9

B and S

SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

()
the 193

Section. *Pris*

File No. *2-42*

Serial No. *9*

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue *4/8/30* 193

Signed by *Mr. M. K. V.*

Read— Government order No. G.2227-36

Pris. 27-28-11 dated 19th August 1930
sanctioning the scheme for the remunera-
tion for extra work done by prisoners.

2. Recommendation No.158 of the
Prison Reforms Committee regarding the
conversion of gratuity earned by
prisoners into remission of sentence,
and the views of the I.G. of Prisons
thereon.

Order thereon.—No. *8882-83*

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette,
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette,
Kannada Part ?

Under the scheme sanctioned
in the G.O. read above, convicts have
the option of converting the gratuity
earned by them for extra work on re-
muneration ⁱⁿ labour into remission of
sentence calculated at four annas per
day. The Prison Reforms Committee
recommend in para 5 of chapter VII of
their Report that the rate may be fixed
at two annas per day, thereby allowing

allowing of a longer period of re-
mission being earned by reason of
specially industrious work. The Commi-
tee further recommend that the same
rate of remission may be allowed in the
case of convicts sentenced to terms of
two years and below, in lieu of any
gratuity earned, as in British India.
The I.G. of Prisons agrees with the
Committee.

Government are pleased to accept
the recommendations of the Committee.
They consider further that the language
of the rules regulating the payment of
remuneration for extra work done by
prisoners which are now given in Appendix
III-5(a) of the Jail Manual, require
slight modification, and that the rules
may be transferred so as to form part of
Chapter XXIV of the Jail Manual. Govt.

accordingly direct the following
amendments in the rules contained in
the Jail Manual:-

List of Enclosure

Substitute the following
1) The following shall be substituted
for rule 361--

"All Jail labour shall be divided
into three main classes--hard, medium
and light. The scale of tasks,
arranged according to these classes shall
be as printed in Appendix, III-5"

Copied by

Examined by

Insert the following
2) The following shall be inserted as
rule 361 A.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

361. All jail labour shall be divided into three main classes--hard, medium and light. The scale of tasks, arranged according to these classes, shall be as printed in Appendix III-5.

“ 361 A (i) Prisoners employed on remunerative labour and who work in excess of the prescribed scale of tasks and up to the standard, shall be entitled to earn gratuity at the following rates--

For half a day's hard labour task extra in a week--one anna.

For one day's hard labour task extra in a week--two annas.

~~for~~
Note:-- No prisoner passed for medium or light labour shall be permitted to do extra ^{work} on the allotted task without the sanction of the Medical officer, recorded in the prisoner's history sheet.

(12) The amount of gratuity thus earned shall be credited to the prisoner's account until the ~~sum~~ ^{sum} reaches Rs.5/-, and any money subsequently earned may be remitted at the discretion of the Superintendent to the prisoner's relatives at his desire or with his consent

(13i) If a prisoner wishes to have remission of sentence in

in lieu of money, he may convert the gratuity ^{into} ~~to~~ remission at the rate of two annas for each day, subject to the condition that not more than 60 days' remission should be granted to any one prisoner in a year.

(4) Prisoners employed on non-remunerative or untasked labour in jails will also be allowed to earn gratuity at the specified rates and to convert the gratuity into remission at the rate of two annas for each day, subject to the condition that not more than 60 days' remission should be granted to any one prisoner in a year. The Superintendent may grant gratuity or remission to a prisoner not on tasked labour, if he is satisfied that the industry and exertion of the prisoner have been such as would have entitled him to the concessions if he had been employed on a form of labour which is susceptible of being tasked.

(5) To ensure that the system of gratuity operates with as little ~~inconvenience~~ ^{uneasiness} as possible, the Superintendent should fix a high standard of minimum outturn of work in the case of professional or habitual prisoners employed on tasked labour.

(6) The remission to be allowed to a prisoner whether on tasked or untasked labour should not exceed the limits prescribed in Rule ³⁰⁴ ~~306~~ of the

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

of the Mysore Jail Manual.

(vii) Prisoners specified in ^{sub-rules} ~~rules~~ (i) and (ii) above may, at the discretion of the Superintendent, be permitted to utilise up to half the amount of the monthly gratuity earned by them under the foregoing rules for purchasing small comforts such as tobacco, snuff, jaggory, sweets etc. in moderate quantities for strictly personal requirements, the distribution of which shall be so regulated as to prevent other prisoners sharing in the concession.

(viii) The expenditure on account of gratuity to prisoners on tasked labour will be met from the provision "19 Jails, 3 Jail Manufactories," and the expenditure on account of gratuity to prisoners on untasked labour from the provision under "Miscellaneous Services and Supplies" under "19 Jails - 2 Jails and Lock-Ups."

Insert the following
(3) ~~The following shall be~~

~~inserted~~ as rule 314 A.

^{314A}
Convicts sentenced to terms of imprisonment of two years and below and entitled to the benefit of gratuity under rule 314 shall, in lieu of the amount of gratuity earned by them, be granted remission

in days calculated at the rate of two annas per day. The remission so granted shall be in addition to the remission earned by them under Chapter XX.

Note:- (1) Convicts undergoing terms of imprisonment above two years shall be given the option of converting the gratuity earned by them, into extra remission under this rule, if they elect to do so subject to Rule 306. The option once exercised shall be final.

(2) For the purpose of the above rule, amounts less than one anna shall be ignored and annas one and above taken as two annas while converting the gratuity.

~~(3) If a convict dies before his release the gratuity earned by him shall lapse.~~

22/7/42

ms 22-7-42

Secretary to Government,
JULY 20/7 Law Department.

KNNS.

*The S. G. of Prisons,
The Comptroller to Govt*

13

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

Government Order No. G. 2227-36/Pris. 27-28-11 dated 19th August 1930 sanctioning the scheme for the remuneration for extra work done by prisoners.

2. Recommendation No. 158 of the Prison Reforms Committee regarding the conversion of gratuity earned by prisoners into remission of sentence, and the views of the Inspector General of Prisons thereon.

O R D E R NO. P 882-83 *Pris 2-42-9*

Dated, Bangalore, the *6th* August 1942.

Under the scheme sanctioned in the Government Order read above, convicts have the option of converting the gratuity earned by them for extra work on remunerative labour into remission of sentence calculated at four annas per day. The Prison Reforms Committee recommend in para 5 of chapter VII of their Report that the rate may be fixed at two annas per day, thereby allowing of a longer period of remission being earned by reason of specially industrious work. The Committee further recommend that the same rate of remission may be allowed in the case of convicts sentenced to terms of two years and below, in lieu of any gratuity earned, as in British India. The Inspector General of Prisons agrees with the Committee.

Government are pleased to accept the recommendations of the Committee. They consider that the language of the rules regulating the payment of remuneration for extra work done by prisoners, which are now given in Appendix III-5(a) of the Jail Manual, require slight modification, and that the Rules may be transferred so as to form part of Chapter XXIV of the Jail Manual. Government accordingly direct the following amendments in the rules contained in

contd)

14

in the Jail Manual:-

1) Substitute the following for rule 361---

"All Jail labour shall be divided into three main classes--
Hard, medium and light. The scale of tasks, arranged according
to these classes shall be as printed in Appendix, III-B".

2) Insert the following as rule 361 A.---

"361 A (1) Prisoners employed on remunerative labour and who
work in excess of the prescribed scale of tasks and up to the
standard, shall be entitled to earn gratuity at the following
rates--

For half a day's hard labour task extra in a week--one anna.

For one day's hard labour task extra in a week--two annas.

Note:- No prisoner passed for medium or light labour shall be
permitted to do extra work on the allotted task without the sanction
of the Medical officer, recorded in the prisoner's history sheet.

(2) The amount of gratuity thus earned shall be
credited to the prisoner's account until the sum reaches Rs.5/-,
and any money subsequently earned may be remitted, at the dic-
retion of the Superintendent, to the prisoner's relatives at his
desire or with his consent.

(3) If a prisoner wishes to have remission of sentence
in lieu of money, he may convert the gratuity into remission at the
rate of two annas for each day, subject to the condition that not
more than 60 days' remission should be granted to any one prisoner
in a year.

(4) Prisoners employed on non-remunerative or untailed
labour in jails will also be allowed to earn gratuity at the specified
rates and to convert the gratuity into remission at the rate of two
annas for each day, subject to the condition that not more than
60 days' remission should be granted to any one prisoner in a year.

The Superintendent may grant gratuity or remission to a prisoner not on tasked labour, if he is satisfied that the industry and exertion of the prisoner have been such as would have entitled him to the concessions if he had been employed on a form of labour which is susceptible of being tasked.

(5) To ensure that the system of gratuity operates with as little unevenness as possible, the Superintendent should fix a high standard of minimum outturn of work in the case of professional or habitual prisoners employed on tasked labour.

(6) The remission to be allowed to a prisoner whether on tasked or untasked labour should not exceed the limits prescribed in Rule 304 of the Mysore Jail Manual.

(7) Prisoners specified in sub-rules (1) and (4) above may, at the discretion of the Superintendent, be permitted to utilise up to half the amount of the monthly gratuity earned by them under the foregoing rules for purchasing small comforts such as tobacco, snuff, jaggery, sweets etc. in moderate quantities for strictly personal requirements, the distribution of which shall be so regulated as to prevent other prisoners sharing in the concession.

(8) The expenditure on account of gratuity to prisoners on tasked labour will be met from the provision "19 Jails, 3 Jail Manufactories", and the expenditure on account of gratuity to prisoners on untasked labour from the provision under "Miscellaneous Services and Supplies" under "19 Jails - 2 Jails and Lock-ups".

(3) Insert the following as rule 314 A.

"314 A Convicts sentenced to terms of imprisonment of two years and below and entitled to the benefit of gratuity under rule 314 shall, in lieu of the amount of gratuity earned by them, be granted remission in days calculated at the rate of two annas per day. The remission so granted shall be in addition to the remission earned by them under Chapter XX.

Note:- (1) Convicts undergoing terms of imprisonment above two years shall be given the option of converting the gratuity earned by them, into extra remission under this rule, if they elect to do so subject to Rule 306. The option once exercised shall be final.

(2) For the purpose of the above rule, amounts less than one anna shall be ignored and annas one and above taken as two annas while converting the gratuity.

M. K. Haradargan
Secretary to Government,
Law Department.

To

The Inspector General of Prisons in Mysore.
The Comptroller to Government.

Extracts from the opinion of the J. G.
of Prisons on the recommendations of the Prison
Reforms Committee — H

Recommendation 158 — The rate at which
convicts may convert the gratuity earned by them
for extra work or remunerative labour into
remission of sentence, may be fixed at two annas
instead of four annas per day. The same rate of
remission may be allowed in the case of convicts
sentenced to terms of two years and below, in lieu
of any gratuity earned

J. G. of Prisons opinion — This may
be done and a rule to the effect introduced

HM
22/6.